CENTRAL INTELLIGENCE AGENCY

STATEMENT BEFORE

SUBCOMMITTEE ON HEALTH
COMMITTEE ON LABOR & PUBLIC WELFARE

AND

ADMINISTRATIVE PRACTICE & PROCEDURE SUBCOMMITTEE
COMMITTEE ON THE JUDICIARY

UNITED STATES SENATE

7 NOVEMBER 1975

Mr. Chairman, we are pleased to be provided this opportunity to testify in connection with S. 2515, a bill to amend the Public Health Service Act to establish the President's Commission for the protection of human subjects involved in biomedical and behavioral research, and for other purposes.

We share your concern over the ethical dilemma raised by human experimentation and support the underlying objectives of the legislation--to assure an interdisciplinary approach to resolving the problem, and to assure that informed consent exists and there is adequate protection of the individuals involved.

Later on, we intend to summarize the past Agency activities in this field. While there is no desire on our part to excuse any such activities which may have violated the important premises upon which your bill rests, Mr. Chairman, I do, however, want to make it clear that for some time it has been our policy that informed consent be obtained and adequate protection provided for individuals involved in biomedical and behavioral activities which we sponsor.

For this reason, we have absolutely no objection whatsoever to subjecting Agency activities in this field to this legislation, nor do we have any problem in providing the Commission established under your bill with appropriate access to information relating to our activities and, of course, we will adhere to whatever guidelines are issued by the Commission.

The Agency's current activities in biomedical and behavioral research are and should be limited to the Agency's essential foreign intelligence mission. As a result, most of this research is inextricably related to areas which, if disclosed publicly, would adversely impinge upon other activities of the Agency, where success depends upon secrecy. Therefore, a necessary condition attaching to Commission access to such information is the need to protect that information from public disclosure and assurance that it will not be disclosed without prior consultation with the Agency.

We are certain that suitable procedures regarding this matter can be worked out with the Commission. However, in the interest of assuring that these fundamental security needs are met, we have a number of recommendations with respect to the legislation on this and other matters which I propose we submit for the record for later consideration by the Committee. If this bill is approved, I would like to ask your indulgence, Mr. Chairman, to permit our respective staffs to work together on certain technical adjustments in the language of the bill, in light of the fact that, for the most part, we have been concentrating our efforts in supplying information to the Committee on our activities in this field.

However, I think it appropriate to point out one aspect of the bill which we do believe should be adjusted and that has to do with placing the Director of Central Intelligence on the Presidential Commission.

It is recognized that the essential purpose for placing the Director on the Commission was to facilitate the Commission's review of unusually sensitive research activity. As I have previously indicated, we would have

no constraints under appropriate security procedures in providing access to our activities in the field covered by the legislation. Therefore, if that is the principal reason for placing the Director on the expanded membership of the Commission, it would be an unnecessary step. Moreover, the Agency's programs in these areas are limited and therefore his presence would not have any significant impact in upgrading the importance of the work of the Commission.

We also believe that there are other positive reasons why the Director should not be a member of the Commission. First, he has no particular expertise or program responsibility which would substantively contribute to the establishment of guidelines for policing human-use experimentation in the United States. Secondly, the public interest, we believe, would be best served by conserving the Director's time for his principal statutory duties in the foreign intelligence field.

I do not have any further comments on your bill, Mr. Chairman, except to say that in light of the limited size and scope of the Agency's current and foreseeable activities in the biomedical and behavioral research field, we defer to the views of the departments and agencies more directly and deeply affected.

Mr. Chairman, at this point I would like to ask Mr. Kelly to brief your Committee the nature of CIA activities which have in one way or another involved human experimentation.

As you know, the Agency has been working with your Subcommittee staff to piece together a full story on the Agency's past programs. Our records covering a significant portion of these activities were destroyed in January 1973 and for that reason, it is not possible for me to provide a fully detailed account. Nonetheless, this testimony along with the materials provided to the Subcommittee staff, should meet the requirements of today's hearing on the bill under consideration.

The Agency has had an interest in behavioral studies since its establishment. The problems of understanding, anticipating, and in some cases, affecting human behavior are key to the intelligence business. This interest was particularly acute in the late 1940's and early 1950's as we witnessed the bizarre confessions of Hungarian Cardinal Mindszenty and others and the "brainwashing" of POW's during the Korean war. Indications that drugs had been employed in these cases were augmented by evidence that Soviet Bloc intelligence services were developing and using drugs to influence behavior. Moreover, it was reported from Europe that a new family of chemicals had been isolated by chemists working with fungal infections found in moldy grain which had tremendous mind-bending properties; the best known of these chemicals, is of course, LSD. There

was a natural concern that the Soviet KGB might have developed an early interest and competence in the use of these exotic drugs to our great disadvantage. Agency programs were, therefore, instituted to study the nature and effects of these new materials with a view toward developing ways to protect United States personnel against them as well as developing a capability for their operational use if the investigation justified it.

The Agency collected foreign intelligence on developments abroad and reviewed related publications and activities of American Government and private institutions. When the Agency learned of research or activities particularly relevant to the Agency's mission or concern, efforts were made to get access to the results of such work and, frequently, to consult with the contractors themselves.

By 1953, this activity led to the establishment of a fairly large and complex external research program which ranged from basic research on lysergic acid and other compounds to extensive testing and experimentation. More than thirty different universities and institutions were involved in this program. Basic work included chemical studies, tissue studies, and toxicological investigations. Testing on animals and human volunteers then followed. There was by this time a growing body of technical literature on the effects of LSD on humans. As the program developed, new materials and techniques for influencing behavior were also investigated. A significant feature of this effort was the use of covert funding techniques to protect the nature of our foreign intelligence concerns.

For the most part, human-use experiments were conducted by other Federal agencies or private institutions with the security of Agency interest being protected through the use of intermediaries. More often than not, the contractors were already studying the field. Our support enabled them to expand their work to meet our interests. In most cases, the results were published. It is our understanding that the experimentation or testing performed by the contractors followed accepted guidelines for the protection of human subjects.

From 1953 to 1962, for example, the Agency, through a contract with the National Institute of Mental Health, tested various drugs including hallucinogenics on volunteer subjects at the NIMH Addiction Research Center in Lexington, Kentucky. In this case, the Office of Naval Research was the funding intermediary. The actual testing was performed by NIMH personnel. A major aim of the project at Lexington supported by the Agency was to find a synthetic drug as safe, or safer than codeine. Agency participation ceased when project goals were achieved.

Although Agency records are unclear, there are indications that drug familiarization or training involving the administration of drugs to volunteer and fully witting CIA employees also took place. Experiments using hypnosis were conducted with volunteer Agency employees.

Those involved in drug research programs were impressed with the fact that the effects of drugs observed under controlled conditions were apt to be quite different from those obtained in a real operational situation.

From this apparently grew the clearly felt need for testing in more realistic circumstances with unwitting subjects. This was an extremely unfortunate phase of the program. It did, nevertheless, seem necessary to those trying to determine such things as whether or not a CIA officer could be trained to spot evidence of a drugging should it occur and to resist efforts to exploit his drugged state, or whether drugs might be used to subtly lower the reserve and inhibitions of hostile intelligence officers without their detecting it.

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The tragic death of [redacted] as you well know, resulted from an early unwitting test in which a number of people were given LSD without their prior knowledge. This unfortunate experience served, however, to emphasize the uncertainties associated with using drugs on the basis of clinical testing alone and demonstrated the need for investigating the differences between clinical and operational administration of drugs.

In an effort to simulate operational conditions, the Agency worked through the Bureau of Narcotics from 1955 to 1963 to test the effects of certain drugs including LSD, on unwitting subjects in social situations. The details of this testing are not in our records, but it appears that individuals were administered drugs, without their knowledge in normal social situations, to study their behavior. The individuals departed the test site when they were ready to do so. No follow-up or monitoring was normally possible. This program began in 1955 at one location and was expanded to another location in 1961. An Agency review of the program reported that in a number

of instances these subjects became ill [illegible] at least one case of hospitalization. The precise date of termination of this testing is unclear, but it appears certain that all such testing was terminated in mid-1963 when the Agency's Inspector General questioned the activity and recommended that it be stopped. This recommendation by the Inspector General and the unwillingness of the Director to sanction its continuation effectively brought the entire program to a close. Although a small program of testing less dangerous materials on humans continued until about 1970, it was performed under highly controlled circumstances on volunteer subjects.

From 1966 to January 1973 the Agency conducted a program involving several different contractors to identify and characterize new classes of behavior-affecting drugs that might pose a threat to US officials abroad. A phased program was envisioned which would consist of acquiring drugs having notable psychomorphic effects, screening these materials in laboratory animal tests, and ultimately -- should a particularly significant compound be identified -- performing clinical tests with human subjects at the Edgewood Arsenal Research Laboratories. Though one compound was identified which appeared to pose a significant threat, no testing on humans was supported by the CIA as the program ended before necessary preparatory studies had been completed.

Current programs on behavioral research and experimentation are limited to developing improved ways to identify people particularly suited to perform specific tasks, to investigating various polygraph countermeasures

and the remote collection of physiological information. These programs involve human subjects, but none of them involve drugs. The conduct of these activities by Agency contractors meets Department of Health, Education and Welfare guidelines.

Such programs undergo a number of internal reviews culminating in the notification of the Director and obtaining his specific approval if the research goals involve influencing human behavior. This review process ensures both the substantive technical review of proposed research and its consideration at levels which ensure that broader perspectives are taken into account. Prior to obtaining approval at the initial levels, the contractor must provide for review a Human Subjects Package including the experimental protocol, the disclosure form explaining the experiment to the subject, the subject release form, and the findings of the contractor's Institutional Review Board.

To assure adherence to the proposed procedures and continued protection of the subjects, all contracts involving human subjects contain the following language:

> "The contractor will assume responsibility for adhering to established and accepted professional, ethical, and legal practices in the use of human subjects for research purposes. This will include the maintenance of medical confidentiality of the individual subjects' records and the maintenance of anonymity in data forwarded to the sponsor."

Mr. Chairman, the CIA is now involved only to a limited extent in human-use experimentation. We believe we have taken necessary actions

to prevent the recurrence of past mistakes and that our programs in these areas are and will be conducted on a sound basis to meet the questions which are raised in the use of human subjects.

In closing, Mr. Chairman, we have no objection to subjecting our activities in this field to external requirements to assure that there is adequate protection of the individual involved.

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Remarks:

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REMARKS:

Steve —

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I think we were able to protect your foundation. Thanks for the help.

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